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October 7, 2011

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E-FILED

Ms. Victoria Rutson
Chief, Office of Environmental Analysis
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423

Re: STB Docket No. AB-6 (Sub-No. 477X), BNSF Railway Company -- Abandonment of Rail Service Easement Exemption -- In Los Angeles County, California

Dear Ms. Rutson:

Attached for filing is the biological assessment prepared by ICF International, as required by the Surface Transportation Board in its decision served September 16, 2011, in the above-referenced proceeding.

If you have any questions, please call me.

Sincerely,

Karl Morell

Karl Morell
Of Counsel

Enclosure

cc: Christine Medak, Fish and Wildlife Service

ICF INTERNATIONAL

September 30, 2011

Mr. John A. Sims, CP
BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131-282t

Subject: 2011 Biological Resources Update for Segment 1 and the Rail Abandonment Portions of the Metro Gold Line Foothill Extension Project

Dear Mr. Sims:

On behalf of the Metro Gold Line Foothill Extension Construction Authority, ICF's biologists conducted a general biological survey for the rail abandonment portion of the Metro Gold line Foothill Extension Project. The rail abandonment survey was a part of a larger survey effort that reviewed the biological resources that occurred along Segment 1 of the Gold Line Foothill Extension Project. This letter report documents the biological survey results of the rail abandonment and Segment 1 which spans approximately 11.5 miles of track within the Cities of Pasadena, Arcadia, Monrovia, Duarte, Irwindale, and Azusa in Los Angeles County, California (see Figure 1 for the Regional Location; all figures included in Attachment A); jurisdictional resources within the survey area were previously analyzed by ICF and discussed in a separate letter report (ICF 2010). The project alignment, shown on Figure 2, is proposed to be constructed along a preexisting rail alignment corridor in mostly urbanized areas.

In 2005, biological surveys were conducted for the originally proposed project and a Biological Technical Report (Chambers Group, Inc. 2005) was prepared in support of the Environmental Impact Report /Environmental Impact Statement (EIR/EIS), which was certified in 2007. The detailed study area for the 2005 surveys included the linear corridor that follows the rail rights-of-way, the Kincaid pit, and the Miller Brewing property.

Subsequent to certification of the 2007 EIR/EIS, the proposed project was revised. A Supplemental EIR has been prepared (Authority 2010) for the revised project, which involves elimination of the Kincaid and Miller sites.

ICF's biologists, Glen Kinoshita and Ian Cain, conducted a biological survey of Segment 1 on May 16, 2011. The study area (see Figure 2) consisted of a 150-foot buffer around the proposed project alignment. The biologists drove the entire alignment and stopped at any areas found to support native or naturalized vegetation and assessed the areas for their potential to support sensitive vegetation communities and special-status species.

As noted in the 2005 Biological Resources Report, the majority of the survey area is disturbed or developed or supports ornamental vegetation. The 2005 report also identified coastal sage scrub,

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alluvial fan sage scrub, laurel sumac series, and southern willow scrub within the Kincaid Pit and/or the Miller Brewing property. However, as discussed above, the project has been revised to eliminate these sites from the proposed project. Native vegetation was only observed within two main areas during the 2011 survey, as discussed below. No special-status species were observed within the survey area during the 2011 survey. In addition, as discussed in the SEIR, the project area has been determined to have very little potential to support special-status species as it consist primarily of developed/disturbed areas.

1. A strip of coastal sage scrub, a native vegetation community, was observed within the survey area in the vicinity of the Miller Brewing property (eliminated from the project footprint) and the San Gabriel River. This vegetation community within the survey area contains high quality native shrubs including California sagebrush (*Artemisia californica*), laurel sumac (*Malosma laurina*), scale broom (*Lepidospartum squamatum*), and buckwheat (*Eriogonum fasiculatum*). There is moderate potential for the strip of coastal sage scrub to support the federally listed coastal California gnatcatcher (*Polioptila californica*); no gnatcatchers were observed during the 2011 biological survey or during focused surveys conducted in support of the 2005 Biological Resources Report (Chambers Group, Inc. 2005). Based on conversations between ICF and Mr. Kurt Kroner, we understand that this strip of coastal sage scrub occurs outside of the proposed project footprint. If impacts to coastal sage scrub are avoided, direct impacts to the coastal California gnatcatcher (if present) could be avoided. In addition, indirect impacts to the coastal California gnatcatcher (if present) could be avoided if construction activities adjacent to occupied habitat are avoided during the breeding season for this species (February 15 – August 30).

   No riparian vegetation was observed within the portion of the San Gabriel River that occurs within the survey area. The portion of the river located within the survey area consists of the concrete spillway. Riparian vegetation occurs adjacent to the survey area in this location (and outside of the proposed project footprint) and consists of monotypic mulefat scrub (*Baccharis salicifoloia*) (photo 1; site photographs provided in Attachment B); exotic, non-native species were not observed in the portion of the San Gabriel River that occurs within the survey area. While this area would support nesting birds and other common wildlife species, it was determined not to be suitable for listed avian species (such as the least Bell's vireo and southwestern willow flycatcher) due to the lack of diversity of riparian shrubs and trees.

2. A patch of cattails (*Typha latifolia*) was observed at the previously mapped Feature 12 (identified on the jurisdictional delineation maps previously prepared by ICF's delineators; ICF 2010) adjacent to existing tracks. This area, which occurs outside of the proposed impact areas, lacked any other riparian shrubs or trees (photo 2). This portion of the survey area was determined not to be suitable habitat for listed avian species due to the lack of shrub or tree diversity.

Based on the results of the updated biological survey, review of previous reports prepared for the Metro Gold Line Project, and discussion with you, ICF has determined that direct impacts to sensitive vegetation communities and special-status species would not occur as a result of the currently proposed project; direct impacts to jurisdictional resources would occur as a result of the proposed project and was analyzed in a separate report (ICF 2010). The project footprint occurs

primarily within existing developed or disturbed areas that provide little to no biological value. Temporary impacts will occur in the Alta Vista Wash Channel during removal of the existing bridge structure; however, the impact area occurs within the existing concrete-lined channel and no

vegetation would be removed. In addition, an area between the rail bridge and the I-210 Bridge over the San Gabriel River will be used for a lay-down area during project construction. However, throughout the reach of the River within the project limits, the feature is concrete-lined and primarily unvegetated (open water).

Any removal of vegetation (including non-native vegetation) during the migratory bird and/or raptor breeding season could result in impacts to active nests in and within up to 500 feet of the project footprint. However, as stated in the SEIR, implementation of the following measures would ensure potential impacts to nesting birds/raptors are avoided:

- Vegetation clearing shall be conducted during the non-breeding season (September 1 through February 14)
- If clearing during the breeding season is required, a pre-construction nesting bird survey shall be conducted by a qualified biologist. If an active nest is found within or adjacent to the construction area, a 500-foot buffer zone area shall be established. No construction clearing shall be allowed within this buffer zone until the biologist determines that the nest is no longer active.

As stated above, potentially suitable habitat for the coastal California gnatcatcher occurs adjacent to but outside of the proposed project footprint (Figure 3). Therefore, potential direct impacts to the coastal California gnatcatcher are not anticipated to occur as a result of the proposed project. Indirect impacts to the coastal California gnatcatcher (if present adjacent to the project area) could be avoided if construction activities adjacent to occupied habitat are avoided during the breeding season for this species (February 15 – August 30).

Suitable habitat for the federally listed southwestern willow flycatcher or the federally and state-listed least Bell's vireo was not observed within or immediately adjacent to the currently project area. Therefore, updated focused surveys are not recommended. Focused surveys for these species conducted within the Miller Brewing property in support of the 2005 Biological Resources Report did not detect these species; the Miller Brewing property has been eliminated from the current proposed project area. Therefore, impacts to these species are not anticipated to occur as a result of the proposed project.

If you have any questions regarding the contents of this letter report, please feel free to contact me or Korey Klutz at 858-578-8964.

Sincerely,

Glen Kinoshita
Biologist

Attachments: Attachment A – Figures
Figure 1 – Regional Location
Figure 2 – Project Vicinity
Figure 3 – Suitable Gnatcatcher Habitat within the Survey Area
Attachment B – Site Photographs

References

Chambers Group, Inc. 2005. *Draft Biological Technical Report for the Metro Goldline Project Los Angeles and San Bernardino Counties, California.* August.

[Authority] Metro Gold Line Foothill Extension Authority. 2010. *Gold Line Phase II: Pasadena to Montclair – Foothill Extension 2A. Draft Supplemental Environmental Impact Report (SEIR).* SCH No. 2003061157. December.

[ICF] ICF International. 2010. *Jurisdictional Delineation Report for Phase 2A of the Metro Gold Line Foothill Extension Project.* December.

Attachment A
Figures

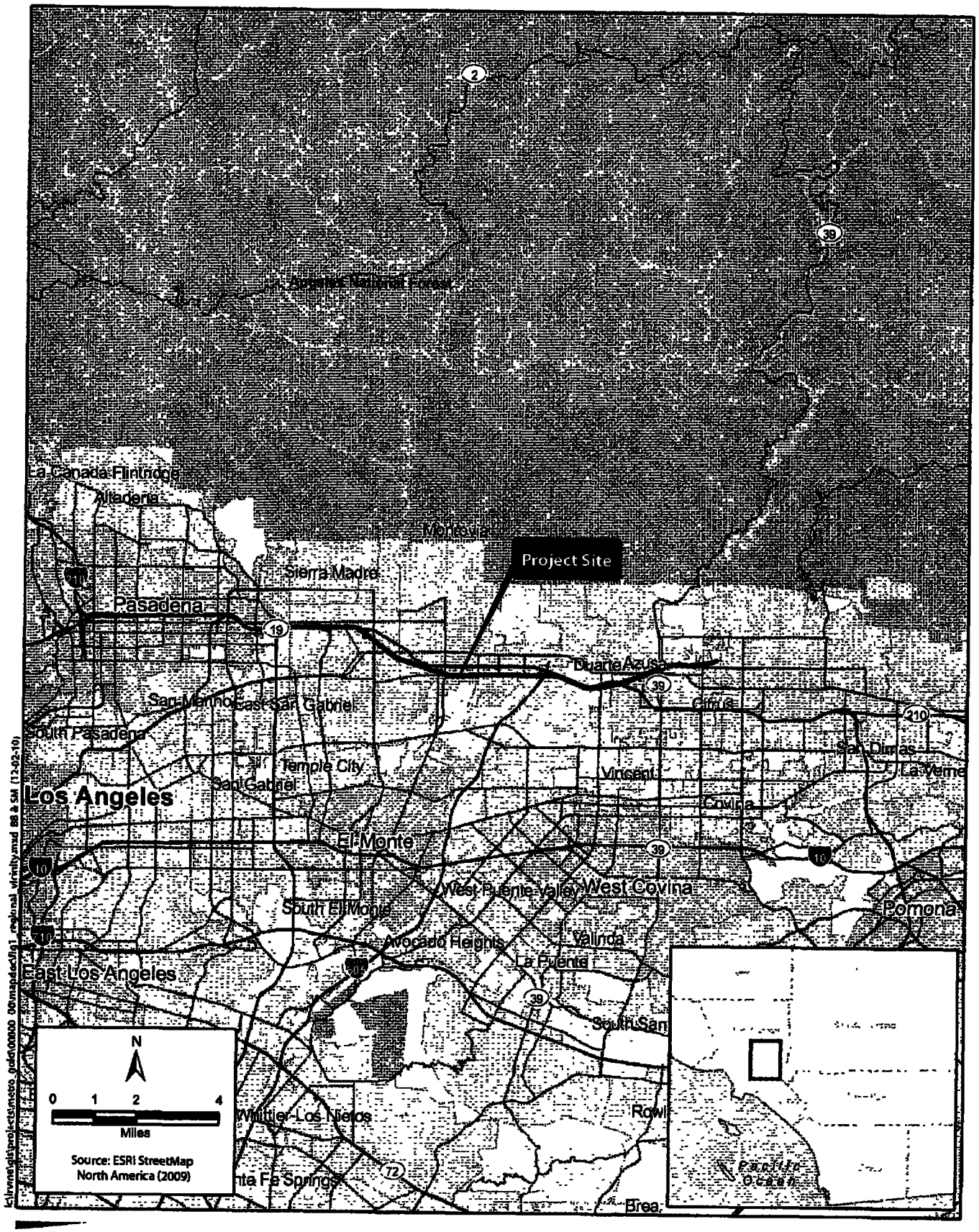

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Figure 1
Regional Vicinity Map
Metro Gold Line Foothill Extension

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Figure 2 - Sheet 1
Project Vicinity
Metro Gold Line Foothill Extension - Segment 1

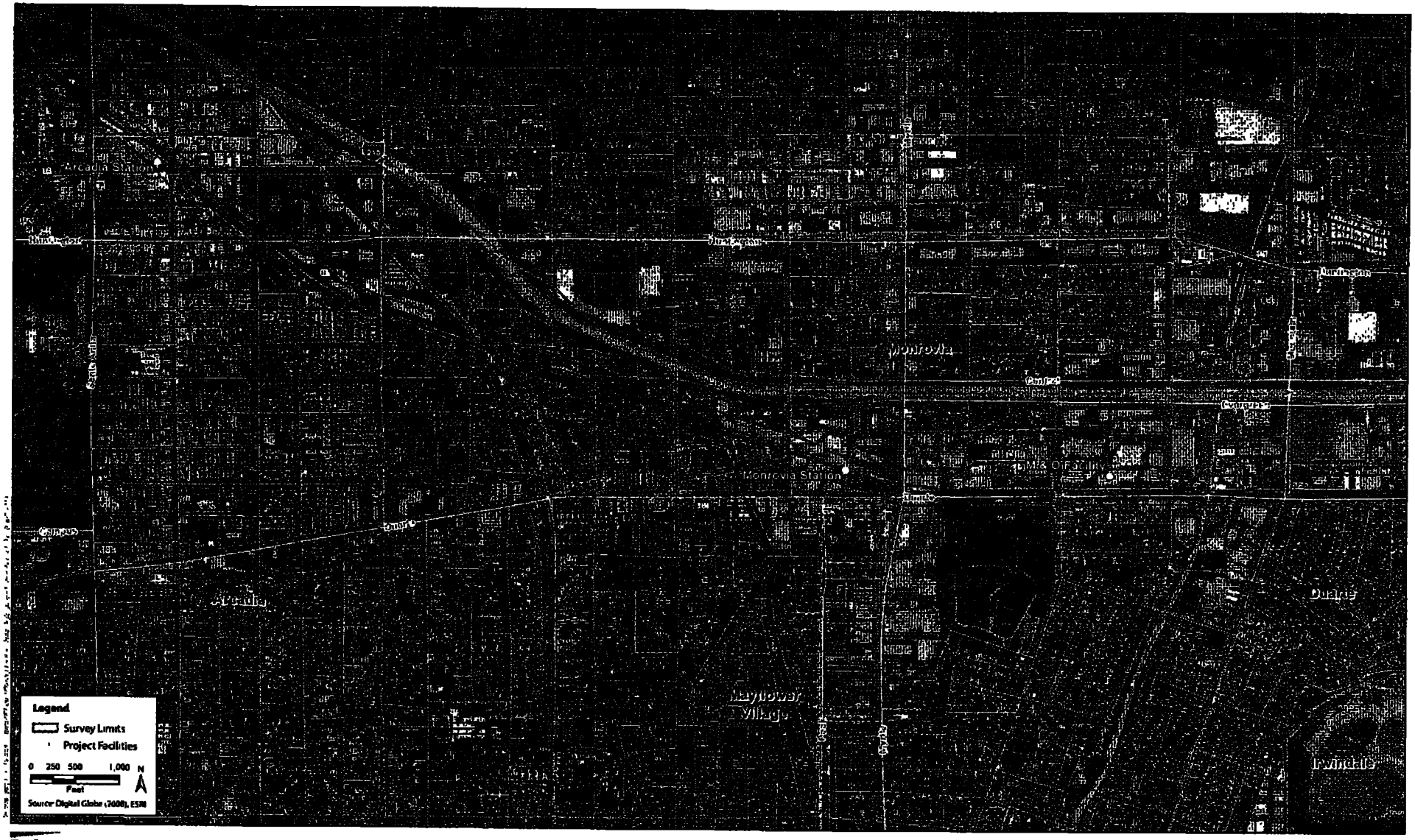

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Figure 2 - Sheet 2
Project Vicinity
Metro Gold Line Foothill Extension - Segment 1

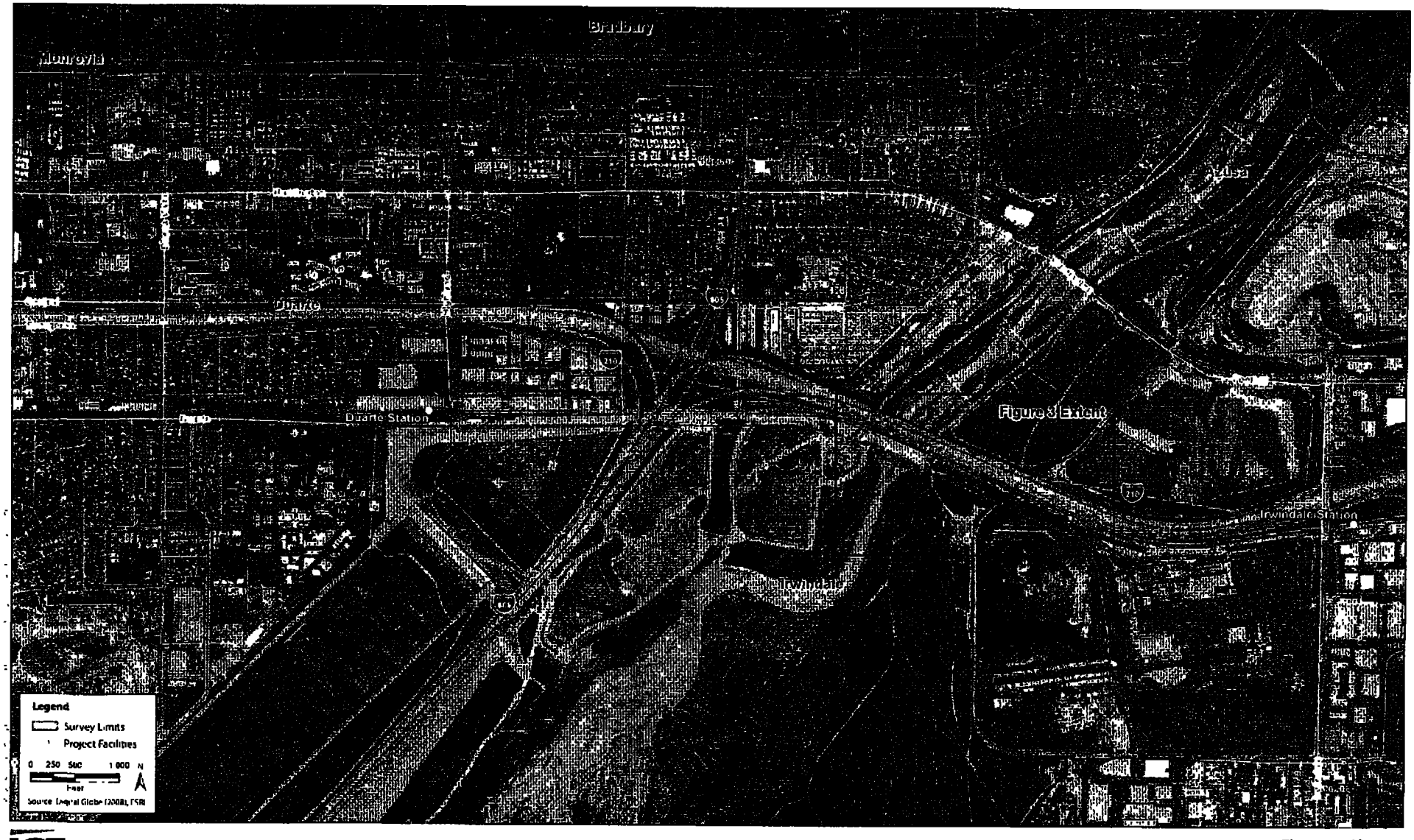

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Figure 2 - Sheet 3
Project Vicinity
Metro Gold Line Foothill Extension - Segment 1

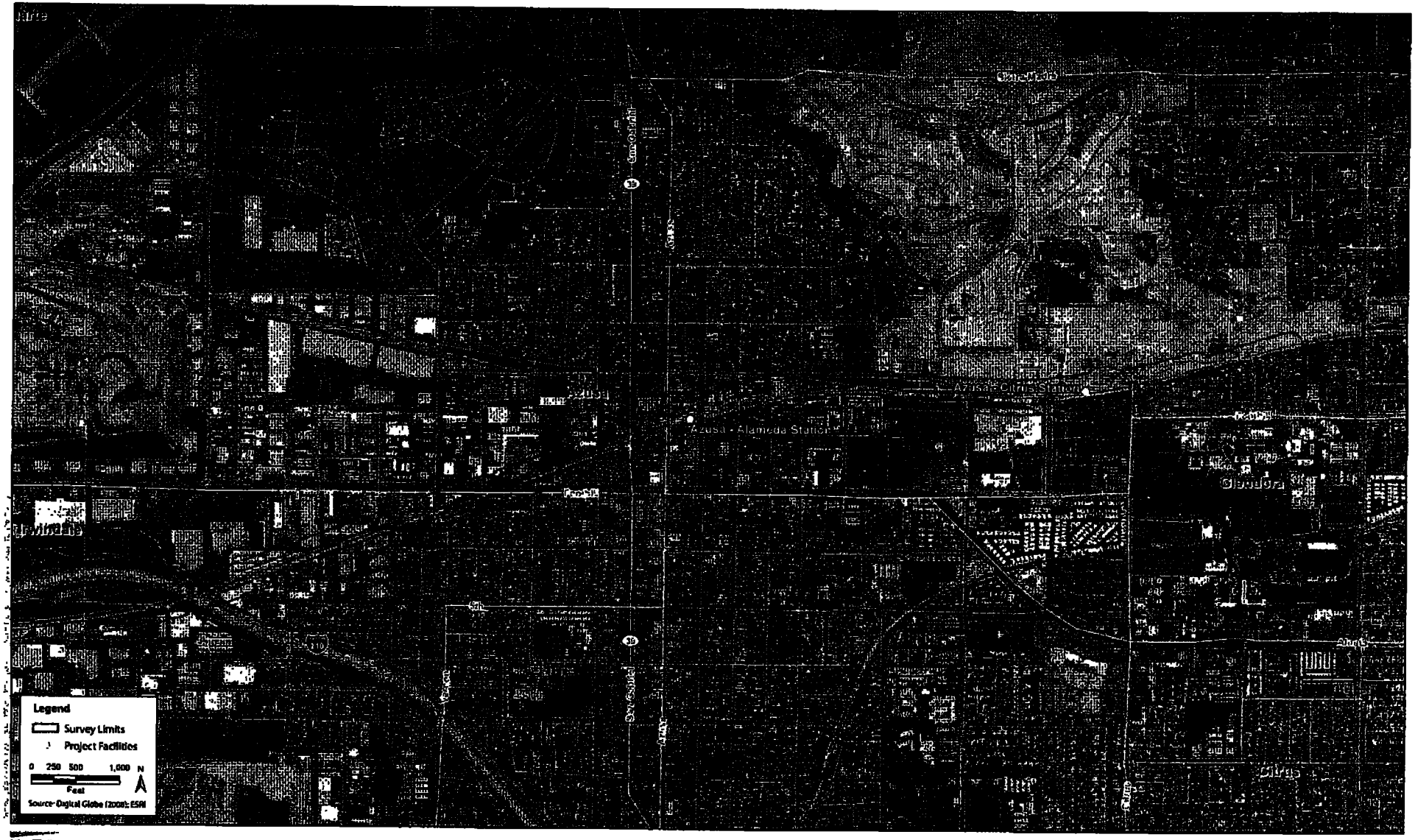

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Figure 2 - Sheet 4
Project Vicinity
Metro Gold Line Foothill Extension - Segment 1

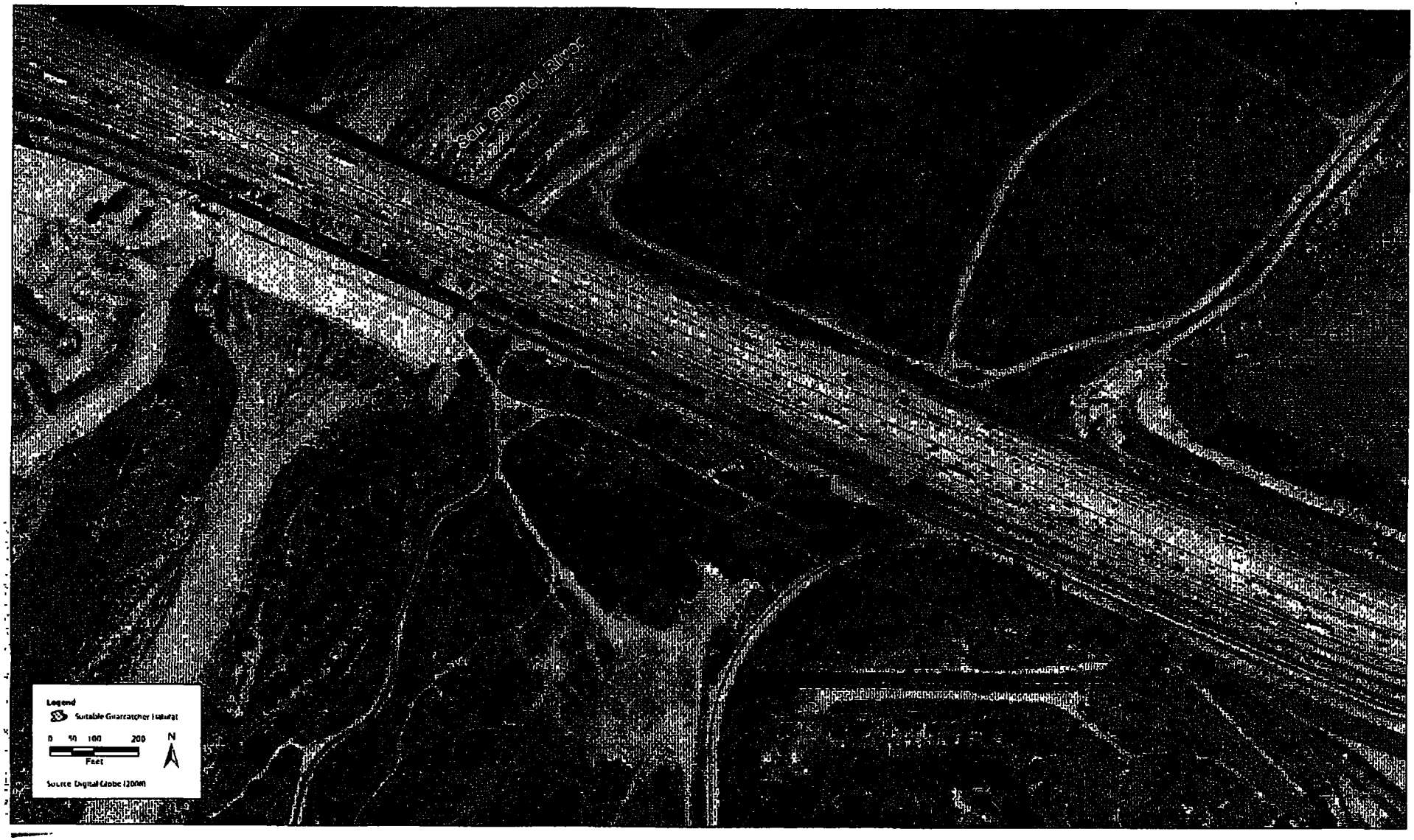

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Figure 3
Suitable Gnatcatcher Habitat within the Survey Area
Metro Gold Line Foothill Extension - Segment 1

Attachment B
Site Photographs

Site Photographs

Photo 1: Concrete spillway and other structures across the San Gabriel River where the existing track crosses. Vegetation below the spillway is just outside the Project area and is a monotypic stand of mulefat scrub. Photo facing west.

Photo 2: Patch of cattail at Feature 12. Photo facing southeast.